IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 18657 of 2006(U)

PETITIONERS:

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1. **SANTHA.A.K., HIGH SCHOOL ASSISTANT, SOCIAL SCIENCE, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

2. **SAJITHA.K., HIGH SCHOOL ASSISTANT, SOCIAL SCIENCE, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

3. **BIJEESHA.C.S., HIGH SCHOOL ASSISTANT, PHYSICAL SCIENCE, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

4. **SHIJU.T.M., HIGH SCHOOL ASSISTANT, MALAYALAM, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

5. **DEEPTHI DAMODARAN, HIGH SCHOOL ASSISTANT, NATURAL SCIENCE, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

6. **SEENA.P., HIGH SCHOOL ASSISTANT, MALAYALAM, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

7. **SHEENA.M.C., HIGH SCHOOL ASSISTANT, SOCIAL SCIENCE, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

8. **BIBIN.K.S., HIGH SCHOOL ASSISTANT, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

9. **HARIDAS.P.B., HIGH SCHOOL ASSISTANT, JAYASREE HIGHER SECONDARY SCHOOL, KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.**

...2/-

10. AJESH.V.V., HIGH SCHOOL ASSISTANT,
HINDI, JAYASREE HIGHER SECONDARY SCHOOL,
KALLUVAYAL, PULPALLY, WAYANAD DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:
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1. THE SECRETARY TO GOVT.,
EDUCATIONAL DEPARTMENT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
WAYANAD DISTRICT.

4. THE DISTRICT EDUCATIONAL OFFICER,
KALPETTA, WAYANAD.

5. THE MANAGER, JAYASREE HIGHR SECONDARY
SCHOOL, KALLUVAYAL, WAYANAD.

6. THE HEAD MASTER,
JAYASREE HIGHER SECONDARY SCHOOL,
KALLUVAYAL, WAYANAD.

*ADDL.R7 IS IMPLEADED:

R7. ASGAR ALI KHAN, U.P.S.A.,
ST.MARY'S AUP SCHOOL,
CHEENGERI, WAYANAD DISTRICT.

(ADDL.R7 IS IMPLEADED AS PER ORDER DTD. 27/10/2006 IN IA.14788/06)

BY ADV. SMT.PRIYA RAMESH
SRI.K.S.MADHUSOODANAN
BY GOVT.PLEADER SMT. M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 1ST PETITIONER.**
EXT.P1(A):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 2ND PETITIONER.**
EXT.P1(B):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 3RD PETITIONER.**
EXT.P1(C):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 4TH PETITIONER.**
EXT.P1(D):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 5TH PETITIONER.**
EXT.P1(E):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 6TH PETITIONER.**
EXT.P1(F):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 7TH PETITIONER.**
EXT.P1(G):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 8TH PETITIONER.**
EXT.P1(H):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 9TH PETITIONER.**
EXT.P1(I):	**COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 10TH PETITIONER.**
EXT.P2:	**COPY OF THE ORDER NO.B2/2181/05/KD DTD. 31/03/2005 ISSUED BY THE 4TH RESPONDENT.**
EXT.P3:	**COPY OF THE ORDER NO.B1/3439/2005 DTD. 18/07/2005 ISSUED BY THE 3RD RESPONDENT.**
EXT.P4:	**COPY OF THE ORDER NO.EM2-63932/05/DPI/D.DIS. DTD. 19/01/2006 OF THE DIRECTOR OF PUBLIC INSTRUCTIONS.**
EXT.P5:	**COPIES OF THE ORDER BY THE 2ND RESPONDENT REJECTING THE STATUTORY REVISIONS.**
EXT.P6:	**COPY OF THE GOVT.LETTER DTD. 25/03/1998.**

...2/-

EXT.P7: COPY OLF THE LETTER NO.58678/A3/2004 G1.EDN. DTD. 2/07/2005.

EXT.P8: COPY OF THE GOVT.ORDER P.NO.46/2006 G.EDN. DTD. 01/02/2006.

EXT.P9: COPY OF THE LETTER DTD. 13/03/2006 ADDRESSED TO THE 1ST RESPONDENT BY THE 3RD RESPONDENT- RELEVANT PAGE OF THE LIST OF TEACHERS.

EXT.P10: COPY OF THE REPRESEENTATION DTD. 5/06/2006.

7TH RESPONDENT'S EXHIBIT:

EXT.R7(A): COPY OF THE LIST ALONG THE FORWARDING LETTER OF THE DEPUTY DIRECTOR OF THE EDUCATION DTD. 13/03/2006.

/TRUE COPY/

Kss

K.M.JOSEPH, J.

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WP.(C) No.18657 OF 2006

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Dated this the 30th day of January, 2007

JUDGMENT

Case of the petitioners in brief is as follows:

Petitioners 1 to 6 were appointed as High School Assistants and petitioners 7 to 10 were appointed as Upper Primary School Assistants. Their appointment was not approved on the ground that in newly upgraded schools the vacancies were to be filled up by the protected teachers. Ext.P5 series are the orders passed by the DPI rejecting the request for approval. I feel that the petitioners should be relegated to the preferring of revision under Rule 92.

2. Learned counsel appearing on behalf of the fifth respondent submits that the fifth respondent will file revision against Ext.P5 series. Learned counsel for the petitioners and the Manager also points out that in fact the petitioners have already preferred Ext.P10. Counsel for the petitioners points out that by Ext.P9 the Deputy Director has already recommended the inclusion of the petitioners also. This is in terms of Ext.P8 order and there is no difficulty in approving the appointment of the petitioners also, it is submitted.

Accordingly, if the fifth respondent prefers revision petition against Ext.P5 series before the first respondent, the first respondent will consider and take a decision on the same within a period of six weeks from the date of receipt of the revision after hearing the petitioners, the Manager and all the affected parties. The first respondent will take note of Exts.P8 and P9 while taking a decision. It is open to the petitioners and also the Manager to rely on Exts.P6 and P7.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.